

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

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KAREN LURIE,

Plaintiff,

v.

GLOBE LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant.

CASE NO. 1:06CV34-MEF

Removed from the Circuit Court
of Houston County, Alabama,
Case No. CV-2005-773-L

NOTICE OF REMOVAL

Globe Life and Accident Insurance Company ("Globe") files this Notice of Removal of this case from the Circuit Court for Houston County, Alabama, Case Number CV-2005-773-L, to the United States District Court for the Middle District of Alabama. This cause is removable pursuant to 28 U.S.C. § § 1332, 1441 and 1446, in that there is complete diversity of citizenship between plaintiff and the defendant; the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs; and removal is timely. In further support of removal, the removing Defendant, Globe, respectfully states:

1. On or about December 14, 2005, an action was commenced against Globe in the Circuit Court of the State of Alabama in and for the County of Houston, entitled "KAREN LURIE, Plaintiff, v. GLOBE LIFE AND ACCIDENT INSURANCE COMPANY, and Fictitious Defendants "A", "B", "C", "D", "E", and "F", whether singular or plural, are those other persons, corporations, firms, or other entities whose wrongful conduct caused or contributed to cause the injuries and damages to Plaintiff, all

of whose true and current names are unknown to Plaintiff at this time, but will be substituted when ascertained, Defendants”; Civil Action No. CV-2005-773-L. The Complaint in this action was based upon allegations of breach of contract, and bad faith. The Complaint contained an unspecified demand for both compensatory and punitive damage and was served upon Globe on December 22, 2005. A true and correct copy of all process, pleadings, and orders served upon, or by, the Defendant in said civil action is attached hereto as Exhibit “A” and is incorporated herein by reference.

2. This action could have been originally filed in this Court pursuant to 28 U.S.C. § 1332 in that there is complete diversity between the plaintiff and the named defendant and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

3. Pursuant to 28 U.S.C. § 1446(b) this Notice of Removal is filed within thirty (30) days of receipt by Defendant of a copy of the initial pleading setting forth the claim for relief upon which this action is based.

4. Pursuant to 28 U.S.C. § 1446(d) Globe states that a copy of this Notice of Removal is being filed with the Clerk of the Circuit Court for Houston County, Alabama.

5. The Complaint and each alleged cause of action contained therein, properly may be removed on the basis of diversity of citizenship jurisdiction, in that:

6. Upon information and belief, Plaintiff Karen Lurie is a resident of the State of Alabama. *See Plaintiff's Complaint* at Paragraph 1.

7. Defendant Globe is a foreign company organized and existing under the laws of the State of Delaware and its principal place of business is in the State of

Oklahoma. *See Complaint* at ¶ 2 and Exhibit B¹. As a result, Globe is not now, and was not at the time of the filing of the Complaint, a citizen and resident of the State of Alabama within the meaning of the Acts of Congress relating to the removal of causes.

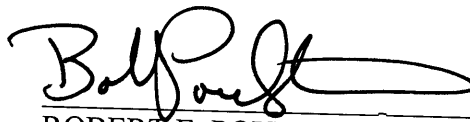
8. The citizenship of fictitious Defendants "A" through "F" is disregarded. 28 U.S.C. § 1441 (a).

9. The amount in controversy has been met in that, as is reflected in the Complaint, the Plaintiff expressly states that the policy at issue would pay accidental death benefits in the amount of \$100,000. *See Complaint* at ¶ 4. Further, the Plaintiff's claims stem from Globe's denial of the Plaintiff's claim for the \$100,000 in accidental death benefits. *See Complaint* at ¶¶ 7-18.

10. Defendant Globe is serving written notice of removal upon counsel for the plaintiff and will cause a copy of this notice to be filed with the Clerk of the Circuit Court of Houston County, Alabama. A copy of Globe's Notice to the Circuit Court of Houston County is attached hereto as Exhibit "C."

WHEREFORE, Globe prays that the above action now pending before the Circuit Court of Houston County, Alabama be removed therefrom to this Court.

Respectfully submitted this the 13th day of January, 2006.



ROBERT E. POUNDSTONE IV (POU006)

One of the Attorneys for Defendant Globe
Life and Accident Insurance Company

¹ The Declaration of Anastasia Pederson, who is the Assistant General Counsel for Globe, is attached hereto as Exhibit "B."

OF COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the above and foregoing on:

William B. Matthews, Jr., Esq.
Matthews & Filmore, LLC
Post Office Box 1145
Ozark, Alabama 36361

Christopher Sanspree, Esq.
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
Post Office Box 4160
Montgomery, Alabama 36103-4160

by placing copies of same in the United States Mail, first-class postage prepaid and addressed to their regular mailing addresses, on this 13th day of January, 2006.



OF COUNSEL